

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	4

MR. SPEAKER:

*Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1585, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 7, line 38, delete "to award actual damages".
- 2 Page 7, line 38, strike "restore complainant's losses".
- 3 Page 7, line 38, after "losses" insert "**award actual damages**".
- 4 Page 9, delete lines 41 through 42, begin a new paragraph and
- 5 insert:
- 6 "SECTION 6. IC 22-9-1-16 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) **This section**
- 8 **does not limit the application of IC 22-9.5-6-12, IC 22-9.5-6-13,**
- 9 **IC 22-9.5-6-14, IC 22-9.5-7, or IC 22-9.5-8.1.**
- 10 (b) **The following apply after the commission makes a finding of**
- 11 **probable cause:**
- 12 (1) **Except as provided in this section,** a respondent or a
- 13 complainant may elect to have the claims that are the basis for a
- 14 finding of probable cause decided in a civil action as provided by

section 17 of this chapter. However, both the respondent and the complainant must agree in writing to have the claims decided in a court of law. The agreement must be on a form provided by the commission.

(2) The person making the election shall provide written notice of election to the commission and to all other complainants and respondents to whom the finding of probable cause relates.

(b) (3) The election may not shall be made if the commission has begun before the commencement of a hearing on the record under this chapter before the commission with regard to a finding of probable cause.

(4) If a timely election is made, the complainant shall file a civil action not later than ninety (90) days after notice of the election is served on:

(A) the complainant, if the election is made by another party; or

(B) the commission, if the election is made by the complainant.

(c) If a majority of the commissioners have signed a consent agreement, the complainant may not file an action under this section with respect to the alleged discriminatory act or practice that forms the basis for the complaint except to enforce the terms of the agreement.

(d) If:

(1) a complaint filed with the commission under section 3 of this chapter is dismissed by the commission; or

(2) upon the expiration of one hundred eighty (180) days after the filing of a complaint with the commission, the complainant files with the commission a written request that the commission issue written notice that the complainant may file a civil action;

the commission shall issue written notice to the parties to the complaint that, within ninety (90) days after the date of the written notice from the commission, a civil action on the allegations contained in the complaint filed with the commission may be brought in a circuit or superior court having jurisdiction in the county in which a discriminatory practice allegedly occurred. The

1 civil action may not include allegations of discriminatory practices
 2 not included in the complaint that is the subject of the written
 3 notice provided by the commission under this subsection, unless
 4 otherwise provided by this article. Issuance by the commission of
 5 a notice described in this subsection shall terminate further
 6 proceedings on any complaint that is the subject of the notice
 7 unless the director or the deputy director determines at the time of
 8 the issuance of the notice, or at a later time, that it would effectuate
 9 the public policy of the state to further process the complaint.
 10 Issuance of a notice by the commission under this subsection does
 11 not preclude the commission from offering the assistance to a
 12 person issued the notice that the commission determines necessary
 13 and appropriate.".

14 Delete page 10.

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1585 as introduced.)

and when so amended that said bill do pass.

Representative Kuzman